

OFFICE OF THE STANDING CHAPTER 13 TRUSTEE
6851 N.E. Loop 820, Suite 300
North Richland Hills, TX 76180-6608
(817) 770-8500
(817) 498-1362 FAX

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

IN RE:
WILLIAM GETER JR, xxx-xx-3222
Debtor

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Case No: 16-40464-MXM
Prehearing Conference: September 09, 2016
@ 10:00 AM

NOTICE OF PRE-HEARING CONFERENCE AND
HEARING ON "TRUSTEE'S RECOMMENDATION CONCERNING CLAIMS,
OBJECTION TO CLAIMS, AND PLAN MODIFICATION"

TO ALL PARTIES IN INTEREST:

A **Pre-Hearing Conference** with the Chapter 13 Trustee concerning the attached Trustee's Recommendation Concerning Claims, Objection to Claims, and Plan Modification ("TRCC") will be held at **10:00 AM** on **September 09, 2016** at 6851 N.E. Loop 820, Suite 310, N. Richland Hills, TX 76180.

If any objections to the Pleadings are not resolved or defaulted at the Trustee's Pre-hearing Conference then this matter will be called at the docket call to be held at **8:30 AM** on **September 15, 2016** at Room 128, US Courthouse, 501 W. 10th Street, Fort Worth, TX 76102, with the **Court Hearing** on the matter immediately following the conclusion of the docket call.

Pursuant to General Order 2014-03 Section 8(c), unless an objection is timely filed as to the amount and classification of any claim or modification, the claim or modification will be allowed or approved as described in the TRCC and such amount and classification will be final and binding on all parties, unless Section 502j of the Bankruptcy Code applies.

TO BE CONSIDERED, ANY OBJECTION OR RESPONSE MUST BE MADE IN WRITING, FILED WITH THE COURT, AND A COPY SERVED ON THE FOLLOWING PARTIES WITHIN THIRTY (30) DAYS FROM THE DATE OF SERVICE HEREOF, OR September 04, 2016.

DEBTOR(S): WILLIAM GETER JR, 1902 Oakbriar Lane, Keller, TX 76248
ATTORNEY: TELSCHOW JOHNSON LAW PLLC, 4200 S HULEN ST STE 670, FORT WORTH, TX 76109
COURT: US Bankruptcy Clerk, 501 W. 10th Street, , Fort Worth, TX 76102
TRUSTEE: TRUSTEE'S OFFICE, 6851 N.E. Loop 820, Suite 300, North Richland Hills, TX 76180-6608

/s/ Tim Truman

Tim Truman, Trustee/State Bar # 20258000

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Trustee's Recommendation Concerning Claims, Objection to Claims and Plan Modification

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing "Notice of Pre-Hearing Conference and Hearing on Trustee's Recommendation Concerning Claims, Objection to Claims and Plan Modification" and a copy of the attached "Trustee's Recommendation Concerning Claims, Objection to Claims, and Plan Modification" was served on the parties listed below in the manner listed below on or before August 05, 2016.

/s/ Tim Truman

BY FIRST CLASS MAIL:

AD ASTRA RECOVERY, Attn: Officer/President, 8918 W 21ST ST N STE 200, MAILBOX 303, WICHITA, KS 67205-0000
CODILIS & STAWIARSKI PC, Attn: Officer/President, 650 N SAM HOUSTON PKWY E STE 450, HOUSTON, TX 77060-0000
DITECH FINANCIAL, Attn: Officer/President, PO BOX 0049, PALATINE, IL 60055-0000
DITECH FINANCIAL, Attn: Officer/President, PO BOX 6154, RAPID CITY, SD 57709-0000
INTERNAL REVENUE SERVICE, Attn: Officer/President, PO BOX 7317, PHILADELPHIA, PA 19101
INTERNAL REVENUE SERVICE, Attn: Officer/President, PO BOX 7346, PHILADELPHIA, PA 19101
LINEBARGER GOGGAN BLAIR ET AL, Attn: Officer/President, 100 THROCKMORTON STE #300, FT WORTH, TX 76102-0000
RED ROCK FINANCIAL SERVICES, Attn: Officer/President, 4775 W TECO AVE #140, LAS VEGAS, NV 89119-0000
RON WRIGHT TAX ASSESSOR/COLLECTOR, Attn: Officer/President, 100 E WEATHERFORD ST, FT WORTH, TX 76196
TARRANT COUNTY TAX COLLECTOR, Attn: Officer/President, DELINQUENT TAX DEPARTMENT, 100 E WEATHERFORD ST, FOR
US DEPARTMENT OF EDUCATION, Attn: Officer/President, CLAIMS FILING UNIT, PO BOX 8973, MADISON, WI 53708
US DEPARTMENT OF EDUCATION, Attn: Officer/President, PO BOX 530229, ATLANTA, GA 30353
WILLIAM GETER JR, Attn: Officer/President, 1902 Oakbriar Lane, Keller, TX 76248-0000

ELECTRONIC SERVICE:

TELSCHOW JOHNSON LAW PLLC, 4200 SHULEN ST STE 670, FORT WORTH, TX 76109
LINEBARGER GOGGAN BLAIR & SAMPSON LLP, 2777 N STEMMONS FWY #1000, DALLAS, TX 75207
United States Trustee, 1100 COMMERCE STREET, ROOM 976, DALLAS, TX 75242

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WILLIAM GETER JR

Trustee's Recommendation Concerning Claims, Objection to Claims and Plan Modification

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

IN RE:
WILLIAM GETER JR, xxx-xx-3222
1902 Oakbriar Lane
Keller, TX 76248
Debtor

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Case No: 16-40464-MXM**Chapter 13**

**TRUSTEE'S RECOMMENDATION CONCERNING CLAIMS, OBJECTION TO
CLAIMS AND PLAN MODIFICATION**

The Trustee hereby objects to and/or recommends allowance or disallowance of the following claims for the reason(s) indicated, pursuant to Bankruptcy Rule 3007:

CLAIMANTS RECEIVING THIS OBJECTION SHOULD LOCATE THEIR NAMES AND CLAIMS HEREIN.

I.

OBJECTION - NO PROOF OF CLAIM FILED

The following creditors were scheduled by the Debtor. No Proof of Claim has been filed by them or on their behalf as required by Bankruptcy Rule 3002(a). The "bar date" for filing claims pursuant to Bankruptcy Rule 3002(c) has passed. Therefore the claims should be DISALLOWED, and not be paid by the Trustee:

<u>TRUSTEE #</u>	<u>CREDITOR'S NAME</u>	<u>SCHEDULED CLASS</u>	<u>SCHEDULED AMOUNT</u>
6	AD ASTRA RECOVERY	UNSECURED	\$21,998.00
7	INTERNAL REVENUE SERVICE	UNSECURED	\$1,000.00
4	RED ROCK FINANCIAL SERVICES	HOA	\$600.00
3	RON WRIGHT TAX ASSESSOR/COLLECTOR	TAXES/SECURED	\$5,878.18

II.

SPECIFIC OBJECTIONS

*** NONE ***

III.

TRUSTEE'S RECOMMENDATIONS CONCERNING ALLOWED CLAIMS

The Trustee hereby recommends the ALLOWANCE of the following claims for the amount(s) and in the class(es) as listed below: (NOTE: Value, treatment and interest rate were determined at confirmation. "Value", "Interest Rate", and "Treatment" are shown below for information only.)

<u>CLAIM #</u>	<u>SECURED 1325(a)(5) CLASS</u>	<u>COLLATERAL</u>	<u>CLAIM AMOUNT</u>	<u>VALUE</u>	<u>INTEREST RATE</u>	<u>TREATMENT</u>
3	DITECH FINANCIAL	HOMESTEAD/ARRS	\$17,490.42	\$391,700.00	0.00%	PRO RATA-TR
3	DITECH FINANCIAL	HOMESTEAD	\$493,267.53	\$391,700.00		DIRECT-DR
1	TARRANT COUNTY TAX COLLECTOR	HOMESTEAD/16	\$10,399.24	\$407,600.00		DIRECT-DR

<u>CLAIM #</u>	<u>UNSECURED CLASS</u>	<u>CLAIM AMOUNT</u>	<u>COMMENT</u>
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(cont'd.)

<u>CLAIM #</u>	<u>UNSECURED CLASS</u>	<u>CLAIM AMOUNT</u>	<u>COMMENT</u>
2	USDEPARTMENT OF EDUCATION	\$163,874.75	STUDENT LOAN

IF THE TRUSTEE'S ABOVE RECOMMENDATION CONCERNING ANY CLAIM DIFFERS FROM THE AMOUNT INDICATED IN A CREDITOR'S PROOF OF CLAIM, THE RECOMMENDATION IS DEEMED AN OBJECTION TO SUCH CLAIM. UNLESS A TIMELY RESPONSE IS FILED CONTESTING THE TRUSTEE'S RECOMMENDATION, THE OBJECTION WILL BE SUSTAINED AND SUCH CLAIM WILL BE ALLOWED ONLY FOR THE AMOUNT AND IN THE CLASS INDICATED. A COPY OF ANY CLAIM MAY BE OBTAINED FROM THE TRUSTEE UPON REQUEST.

IV.

OBJECTIONS PENDING

The following claims are not deemed allowed because there are objections pending:

*** NONE ***

V.

PLAN MODIFICATIONExcess Base Amount

To the extent the Base Amount exceeds the amount needed to pay all allowed Secured, Priority, and Administrative Claims, unless otherwise provided by a Debtor Modification or order of the Court, such excess shall be paid pro-rata to timely filed allowed non-penalty general unsecured claims up to 100%, then to late filed allowed non-penalty unsecured claims up to 100%, then to penalty unsecured claims up to 100%, with any remaining balance refunded to Debtor.

VI.

PLAN IS INSUFFICIENTThe Plan is Insufficient for the following reason(s):

1. The Plan proposes a Base Amount of \$18,518.00.
2. The Trustee calculates the Base Amount should be \$21,135.00.
3. A Debtor Plan Modification is needed to provide sufficient funds to fully pay all allowed administrative, secured, and priority claims.

The Trustee may file a Motion to Dismiss unless Debtor files a Plan Modification and/or Objection to Claim(s) within 21 days.

Respectfully submitted,
Office of the Chapter 13 Trustee, Fort Worth, TX

/s/ Tim Truman

Tim Truman, Trustee
State Bar # 20258000

Dated: August 04, 2016